



Constitution and General Purposes Committee

6 October 2022

Title	Code of Conduct Allegations 2021/22
Report of	Monitoring Officer
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	None
Officer Contact Details	Jessica Farmer, Monitoring Officer, jessica.farmer@barnet.gov.uk
Summary	
This report updates the Constitution and General Purposes Committee on complaints the Monitoring Officer has received about Member conduct during 2021/22	

Officers Recommendations

1. That the Committee note the update.
2. That the Committee agree that all Members attend a Code of Conduct training session.

1. WHY THIS REPORT IS NEEDED

- 1.1 The Members' Code of Conduct requires that the Monitoring Officer submits a report to the Committee at annual intervals to inform the Committee about complaints which have been received and not investigated and complaints which have been investigated.

2. REASONS FOR RECOMMENDATIONS

- 2.1 To comply with the constitutional requirement to report to the Committee.
- 2.2 To ensure that the Council discharges its duty to: promote and maintain high standards of conduct for Members; review the application of the Code of Conduct for Members' to Member complaints; and maintain an overview on ethical standards in general across the authority.
- 2.3 Ten complaints were dealt with during this period, this compares to seven complaints for the previous year. Historically in years with elections there tend to be more complaints. For five complaints there was no evidence provided or evidence found of a breach of the code of conduct. Every year at least one complaint is received about councillors not responding to emails. Councillors are very busy so perhaps the group support officers or an out of office reply may assist with this. Some complaints were about councillors not recording interests. Of these in two cases a dispensation had been granted regarding the councillor's home address. Other cases involved dormant companies, or councillor's confusion regarding companies that traded outside of the borough. In one case a councillor thought that their interests from their old register had been rolled forward by officers.
- 2.4 It is councillors' responsibility to ensure that their register is up to date. After the May election all councillors were offered assistance with competing their registers. The Monitoring Officer has also trained member on two occasions since May 2022 on the code of conduct and register of interests. Members are reminded quarterly to update their register. Any dispensations that are granted are now made clear on the register so that the public can see this.

Provisions of Code	Decision
Using position to confer an advantage	No evidence found no breach.
Undue pressure, bullying/ harassment	No evidence found no breach.
Undue pressure, bullying/ harassment	No evidence found no breach.
Not responding to emails. Respect	No evidence found.
Registering interest	Informal resolution, training, apology.
Registering interest	Address, dispensation had been given.
Registering interest	Informal resolution, training, apology.
Registering interest	Address, dispensation had been given.
Registering interest	Informal resolution. Company connected to freehold of a flat out of borough property that did not need to be declared.

CV on a website and registering interest.	No breach regarding website, informal resolution.
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3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 Not applicable.

4. POST DECISION IMPLEMENTATION

4.1 Not applicable

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 Barnet Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 There are no resources implications in the context of this report.

5.3 Social Value

5.3.1 Not applicable

5.4 Legal and Constitutional References

5.4.1 Members' Code of Conduct – Procedure for dealing with Complaints, Section 7, Reports – states “The Monitoring Officer will submit a report to the Constitution and General Purposes Committee at annual intervals to inform the Committee about complaints which have been received during the year.”

5.4.2 Article 7, Terms of Reference of Committees, Forums, Working Groups and Partnerships – the terms of reference of the Constitution and General Purposes Committee includes “To consider and make recommendations to the Council on: (i) how it can satisfy the continuing duty to promote and maintain high standards of conduct for Members; (ii) on the Code of Conduct for Members; and (iii) on ethical standards in general across the authority.”

5.4.3 The Council's arrangements under which complaints about Member conduct are investigated and decided comply with the relevant provisions of the Localism Act 2011. All complaints are dealt with in consultation with one of the council's Independent Persons that the council has to appoint under the Localism Act.

5.5 Risk Management

5.5.1 It is important that the Council discharges its duty to: promote and maintain high standards of conduct for Members; review the application of the Code of Conduct for Members' to Member complaints; and maintain an overview on ethical standards in general across the authority.

5.6 Equalities and Diversity

5.6.1 It is a breach of the Member Code of Conduct to discriminate against people on the grounds of race, gender, disability, religion or belief, sexual orientation and age. Members have been provided with training in this area.

5.7 Consultation and Engagement

5.7.1 Not applicable

5.8 Insight

5.8.1 Not applicable.

5.9 Corporate Parenting

5.9.1 No implications identified in the context of this report.

6. BACKGROUND PAPERS

6.1 None.